

**CALIFORNIA COASTAL COMMISSION**

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**F-6**

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Staff: CLK-SF  
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Item Number: F-6

**STAFF REPORT  
REVOCATION REQUEST**

**APPLICATION:** R-1-94-005

**APPLICANT:** Donald Pera, Marilyn Pera, & Alice Francis

**PROJECT LOCATION:** Within the former Ocean Shore Railroad right-of-way, between Kelly and Central Avenues and between Myrtle and Seymour Streets, west of Highway 1, in the City of Half Moon Bay, San Mateo County.  
APNs: 056-096-010; 056-125-110; 064-053-010; 064-073-010; 064-192-030; 064-213-010; 064-313-030; and 064-313-040

**PROJECT DESCRIPTION:** Lot line adjustments to modify the boundaries of 7 parcels. As adjusted, all 7 lots conform to the minimum lot size requirement for the zoning designation.

**INDIVIDUAL REQUESTING  
REVOCATION:** Scott Singer

**AGENT:** Gregg Garrison

**SUBSTANTIVE FILE  
DOCUMENTS:** See Appendix A

**EXECUTIVE SUMMARY**

In April 1994, the Commission granted Coastal Development Permit (CDP) 1-94-005 for lot line adjustments on seven parcels. The approved lot line adjustments modified the boundaries of existing parcels. No new parcels were created. Prior to making its

decision to approve the permit application, the Commission received several letters from neighboring property owners opposed to the project.

On February 15, 2000, the Commission received a request for revocation of CDP 1-94-005. The revocation request contends that there are 14 grounds supporting revocation of the permit, including 13 contentions of erroneous information submitted by the applicant, and one contention based on failure to comply with the Commission's permit application public noticing requirements.

Staff recommends that the Commission deny the request to revoke permit 1-94-005 because the revocation request does not establish any part of either of the grounds required by Section 13105 of the Commission's regulations.

## **PROCEDURES FOR REVOCATION**

In pertinent part, the Commission's regulations pertaining to revocation of a coastal development permit are as follows:

### **Section 13105**

*Grounds for revocation of a permit shall be:*

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;*
- (b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and would have caused the commission to require additional or different conditions on a permit or deny an application.*

### **Section 13108**

- (a) At the next regularly scheduled meeting, and after notice to the permittee and any persons the executive director has reason to know would be interested in the permit or revocation, the executive director shall report the request for revocation to the Commission with a preliminary recommendation on the merits of the request.*
- (b) The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.*
- (c) The Commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Commission wishes the executive director or the attorney general to perform further investigation.*
- (d) A permit may be revoked by a majority vote of the members of the Commission present if it finds that any of the grounds specified in Section 13105 exist. If the Commission finds that the request for revocation was not filed with due diligence, it shall deny the request.*

Because of the potential impacts revocation could have on an applicant who may have acted in reliance on the permit, the grounds for revocation are necessarily narrow. The rules of revocation, for instance, do not allow the Commission to make a second judgement on a previously issued permit based on information that comes into existence after the granting of the permit, no matter how compelling that information might be. The grounds for revocation are, of necessity, confined to information in existence at the time of the Commission's action.

This revocation request is based on both subsections (a) and (b) of Section 13105 of the Commission's regulations. The three elements of Section 13105(a) that must be proved before a permit can be revoked are:

- The applicant provided inaccurate, erroneous or incomplete information;
- The inaccurate, erroneous or incomplete information was supplied intentionally; and
- The Commission finds that accurate and complete information would have caused it to impose different conditions or to deny the permit application.

Subsection (b) of Section 13105 also includes three necessary findings for revocation:

- The permit applicant failed to comply with the Commission's permit application noticing requirements;
- The views of the person(s) not notified were not otherwise made known to the Commission; and
- The views of the person(s) not notified could have caused the Commission to impose different conditions or to deny the permit application.

In addition to these three elements, Section 13108(d) establishes that the Commission must deny a revocation request that has not been filed with due diligence. As it may take some time to prepare a request, the Commission has accepted requests submitted at various times after permit approval. In this case, the permit was approved April 12, 1994, and the request submitted February 15, 2000. Therefore, an issue of due diligence is raised.

## **1.0 STAFF RECOMMENDATION**

The staff recommends that the Commission deny the request to revoke permit 1-94-005 because the revocation request does not establish the grounds required by Section 13105 of the Commission's regulations.

### **1.1 MOTION**

I move that the Commission grant revocation of Coastal Development Permit 1-94-005.

### **1.2 STAFF RECOMMENDATION OF DENIAL**

Staff recommends a NO vote on the motion. Failure of this motion will result in denial of the request for revocation and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

### **1.3 RESOLUTION TO DENY REVOCATION**

The Commission hereby denies the request for revocation of the Commission's decision on Coastal Development Permit 1-94-005 on the grounds that there is no:

- a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application; and/or
- b) Failure to comply with the notice provisions of §13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application.

### **2.0 FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

#### **2.1 PROJECT DESCRIPTION AND LOCATION**

Coastal Development Permit (CDP) 1-94-005 authorized lot line adjustments affecting seven parcels (APNs: 056-096-010, 056-125-110, 064-053-010, 064-073-010, 064-192-030, 064-213-010, 064-313-030, and 064-313-040). The parcels are all located within the former Ocean Shore Railroad right-of-way, between Kelly and Central Avenues and between Myrtle and Seymour Streets, west of Highway 1, in the City of Half Moon Bay, San Mateo County. A more detailed site and project description is contained on pages 2-4 of the original permit application staff report (Attachment 1) Exhibits 4 and 5 of the permit staff report show the configuration of the parcels before and after the lot line adjustments.

#### **2.2 REVOCATION REQUEST**

On February 11, 2000, the Commission staff received a request from Scott Singer to revoke CDP 1-94-005 (Attachment 2). In accordance with the Commission's regulations, the staff:

- Reviewed the stated grounds for revocation and determined that the request is not patently frivolous and without merit and initiated revocation proceedings (*14 CCR §13106*)
- Mailed a copy of the revocation request and a summary of the Commission's revocation procedures to the permittees (*14 CCR §13107*).
- Scheduled a public hearing and provided public notice for Commission consideration of this revocation request at the next regularly scheduled meeting (*14 CCR §13108(a)*).

Mr. Singer contends that there are 14 grounds supporting revocation of the permit, including 13 contentions based on Section 13105(a)<sup>1</sup>, regarding erroneous information

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<sup>1</sup> **§13105. Grounds for Revocation**

Grounds for revocation of a permit shall be:

submitted by the applicant, and one contention based on section 13105(b)<sup>2</sup>, regarding failure to comply with the notice provisions of Section 13054.

### **2.2.1 CONTENTION 1**

The footnote on page 2 of the revocation request contends that the applicants may not have complied with the notice provisions of Section 13054. As support regarding provision of notice for this contention, the request alleges that the applicants' application to the City of Half Moon Bay Planning Commission for lot line adjustments includes an uncompleted "Affidavit of Certified Property Owners List."

As discussed above, revocation of a coastal development permit under Section 13105(b) requires three findings. If any of these three findings cannot be made, the revocation request under Section 13105(b) must be rejected. The first required finding is that the applicants failed to comply with the notice provisions of Section 13054. Section 13054 is specific to the notice requirements for CDP applications to the Coastal Commission. Mr. Singer's contention raises an issue with respect to the manner in which notice was provided for an application to the Half Moon Bay Planning Commission prior to certification of the City's Local Coastal Program. The revocation request does not raise issue with the manner in which the applicants provided notice of the CDP application. Nevertheless, staff reviewed the file materials for CDP 1-94-005. Those materials include evidence that the applicants did comply with the notice requirements of Section 13054. In fact, the list of adjacent property owners contained in the CDP application file includes Philip and Cheryl Young, 208 Garcia Avenue (Mr. Singer's current address). Therefore, the Commission finds that there is no evidence that the applicants failed to comply with the CDP application notice requirements described in Section 13105(b).

### **OTHER CONTENTIONS REGARDING ERRONEOUS INFORMATION**

Contentions 2 through 13 contained in the revocation request and described below do not pertain to information provided to the Commission by the applicants in connection to the CDP application. Rather, these contentions allege inaccuracies in the staff report. The revocation request does not demonstrate, that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the matters raised by these contentions. Finally, there is no evidence to support a finding that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or to deny the application. Therefore, the Commission finds

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(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application; ...

#### <sup>2</sup> **§13105. Grounds for Revocation**

Grounds for revocation of a permit shall be: ...

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and would have caused the commission to require additional or different conditions on a permit or deny an application.

that Contentions 2 through 13 described below do not establish grounds for revocation of the permit under Section 13105(a).

### **2.2.2 CONTENTION 2**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*"No environmentally sensitive areas are present on the subject parcels."*

The revocation request supports this contention by stating:

*"There is currently no dispute that the subject parcels contain wetlands. In addition, it appears that the parcels may likely contain endangered or threatened species habitat."*

The Commission did not require a wetland delineation or biological survey of the site in its consideration of the CDP application for the lot line adjustments. At the time of the permit application in 1994, no wetlands or other environmentally sensitive habitat areas were known or suspected to be located on the subject parcels.

In association with development proposals, Environmental Collaborative conducted biological assessments of the northernmost of the two subject parcels, located between Kelly and Correias Avenues, (*Environmental Collaborative May 1999 and August 1999*). These assessments identified two pocket wetland areas approximately 10 feet to the west of the northern parcel. The survey did not identify any wetlands located within the boundaries of the parcels. The City of Half Moon Bay subsequently conducted an independent biological review of these parcels (*LSA 1999*). The City's assessment generally concurred with the Environmental Collaborative reports. However, the City's consultant did identify a 4-foot-wide drainage ditch supporting a dominance of wetland vegetation on the northern parcel.

In addition to the biological assessments of the northern two parcels discussed above, MAY Consulting Services conducted a wetlands delineation and a biological resources study of "Undeveloped Land West of Railroad Avenue" (*MAY 1999*). MAY was not aware of the configuration or boundaries of the subject parcels during the biological survey and wetlands delineation work. Consequently, MAY did not map wetlands or other environmentally sensitive habitats on the subject properties located within the former Ocean Shore Railroad right-of-way. However, the MAY report describes biological resources generally found within the coastal plane area west of Railroad Avenue. This description states that "*Seasonal wetlands occur within enclosed basins within the annual grasslands.*" The report does not contradict the findings of the City's biological assessment.

The biological assessments described above were all undertaken in 1999, five years after the Commission's action on CDP 1-94-005. The information contained in these reports was not available at the time of the Commission's decision. This information therefore cannot be utilized to establish either that the applicant intentionally submitted erroneous information in connection with the CDP application or that accurate information would have affected the Commission's decision.

Neither the revocation request nor the permit application file provides any support to the contention that the applicants intentionally withheld information concerning potential wetland habitat on the site. Contention 2 of the revocation request fails to demonstrate that the applicants intentionally included inaccurate, erroneous or incomplete information in connection with the permit application. Therefore, the Commission finds that the contention does not meet the requirements for permit revocation under either the first or the second tests of Section 13105(a).

Because all three tests must be satisfied to establish a ground for revocation, the Commission is able to deny Contention 2 as a ground for revocation without considering whether the third test is met. However, even if the first and second tests were met, the contention would still fail to establish a valid ground for revocation of the permit. The third test requires a finding that accurate and complete information submitted at the time of permit application would have caused the Commission to require additional or different conditions or to deny the permit. The lot line adjustments approved by the CDP authorized only the adjustment of the boundaries between seven existing parcels. There is no evidence to suggest that these lot line adjustments were inconsistent with the Coastal Act policies requiring protection of the wetland habitat at the time of the Commission's action in 1994. Even if wetland habitat did exist in the drainage ditch located on a small portion of the northern most of the seven parcels in 1994, the configuration of the parcel as approved would allow a sufficient buffer to protect the wetland habitat from potential impacts associated with future development of the property. Thus, there is no evidence to support a finding that knowledge of the wetland habitat would have caused the Commission to require additional or different conditions or to deny the permit. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.3 CONTENTION 3**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*"The lands... are substantially built out with single-family residences."*

Contrary to Mr. Singer's contention, the staff report provides a clear and accurate description of the state of development on the subject and adjacent properties. The paragraph from which the above quoted excerpt is taken is on page 3 of the staff report and reads in its entirety:

*"To the east of the subject parcels are lands that are also designated in the City's LUP as Residential Medium Density, 2.1 to 8 dwelling units/acre. These lands are zoned as R-1, Single Family Residential, and are substantially built out with single-family residences on 5,000-square-foot parcels."*

The staff report further states that the parcels subject to the proposed lot line adjustments are undeveloped and that the lands lying to the west are undeveloped. All of these statements are accurate. Moreover, statements contained in the staff report in no way establish that the applicant intentionally provided erroneous information in connection with a CDP application. Therefore, the Commission finds that there is no

evidence to support the allegation described as Contention 3 that the applicants provided inaccurate, erroneous or incomplete information.

The revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the surrounding properties or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

#### **2.2.4 CONTENTION 4**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“The subject parcels are lands that are also designated in the City’s LUP as Residential Medium Density”*

Notwithstanding any statement in the staff report, the land use designation in 1994 did not govern the Commission’s approval of the CDP. The Commission approved the CDP for the lot line adjustments prior to certification of the City’s LCP. Therefore, the Chapter 3 policies of the Coastal Act, rather than any provision of the Certified LUP, governed the Commission’s approval of the CDP. Therefore, Contention 4 of the revocation request does not contain a valid ground for revocation.

The revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the land use designation of the parcels or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

#### **2.2.5 CONTENTION 5**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“The parcels are physically distant from the sea”*

The subject parcels are located approximately 1,000 feet inland from the edge of the bluff. The staff report includes five exhibits that clearly show the location of the parcels and their proximity to the shoreline. Therefore, there is no evidence to support this contention. Moreover, statements contained in the staff report in no way establish that the applicant intentionally provided erroneous information in connection with a CDP application.

The revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the location of the parcels or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).



### **2.2.6 CONTENTION 6**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“The parcels are zoned R-1 B-1”*

As stated above, statements contained in the staff report in no way establish that the applicant intentionally provided erroneous information in connection with a CDP application. In addition, notwithstanding any statement in the staff report, the local zoning designation in 1994 did not govern the Commission's approval of the CDP. The Commission approved the CDP for the lot line adjustments prior to certification of the City's LCP. Therefore, there was no certified coastal zoning designation within the City for purposes of coastal development permits. The local zoning designation was in no way the standard of review for the issuance of coastal development permits within the City of Half Moon Bay at the time that the Commission approved the subject CDP. Therefore, Contention 6 of the revocation request does not contain a valid ground for revocation.

The revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the zoning designation of the property or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.7 CONTENTION 7**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“Railroad Avenue, a City-owned street, runs along the entire east and the entire west sides of the subject parcels.”*

The revocation request also points out that the staff report contains the statement “[t]he Railroad Right of Way is not clearly shown.”

In fact, this incomplete quote of the staff report is misleading. The staff report actually states:

*“The Railroad Avenue right of way is not clearly shown in Exhibits No. 4 and 5. However, this right of way is clearly shown on the more detailed tentative maps for the boundary line adjustments that are part of the permit file.”*

Upon further investigation of the materials contained in the permit file, the staff confirms that the description of Railroad Avenue in the staff report is accurate. Moreover, notwithstanding the accuracy of the staff report, the revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning this matter. Finally, there is no evidence to suggest that the location of the Railroad Avenue right-of-way relative to the subject parcels would have affected the Commission's approval of the lot line adjustments. Therefore,

Contention 7 fails all three tests under Section 13105(a) to establish a valid ground for revocation of the permit.

### **2.2.8 CONTENTION 8**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“The project does not have a significant adverse effect on the environment, within the meaning of CEQA” and has “consistency with the Coastal Act.”*

The quoted statements are legal conclusions reached by the Commission through its consideration of the permit application. In support of this contention, the request references a February 8, 2000 letter to the City. This legal challenge written six years after the Commission’s action on the permit does not represent information provided to the Commission by the applicants, and is not a valid ground for revocation. Moreover, these arguments, raised years after the Commission’s action on CDP 1-94-005, cannot be utilized to establish either that the applicant intentionally submitted erroneous information in connection with the CDP application or that accurate information would have affected the Commission’s decision.

The revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the consistency of the project with the requirements of CEQA and the Coastal Act or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.9 CONTENTION 9**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“The City of Half Moon Bay acted as lead agency for this project under CEQA and found that the project was categorically exempt.”*

Notwithstanding the fact that the City of Half Moon Bay did in fact find the project categorically exempt under CEQA, this contention does not address information provided to the Commission by the applicants, and is therefore not a valid ground for permit revocation.

The revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the City’s CEQA determination or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.10 CONTENTION 10**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is incomplete or erroneous:

*“Local Approvals Received: City of Half Moon Bay lot line adjustments SUB-08-93, and seven conditional certificates of compliance, No. 93098915 to No. 93098921.”*

Notwithstanding the fact that the permit application file contains copies of each of the above-cite local approvals, this contention does not evidence that the applicant intentionally provided the Commission with erroneous or incomplete information at the time they submitted their CDP application, and is therefore not a valid ground for permit revocation. In addition, as support for this contention, the revocation request references a February 8, 2000 letter further detailing examples of erroneous information. However, these arguments, raised years after the Commission’s action on CDP 1-94-005, cannot be utilized to establish either that the applicant intentionally submitted erroneous information in connection with the CDP application or that accurate information would have affected the Commission’s decision.

The revocation request does demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the local approvals or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.11 CONTENTION 11**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“The subject parcels were created in 1905 when the Old Ocean Shore Railroad was abandoned.”*

Notwithstanding the fact that the certificates of compliance for the subject properties appear to support the statement in the staff report that the parcels were created in 1905, this contention does not evidence that the applicant intentionally provided the Commission with erroneous information at the time they submitted their application and is therefore not a valid ground for permit revocation.

Therefore, the revocation request does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the history of the property or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.12 CONTENTION 12**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“Subject parcels... [contain only] four existing street and utility crossings that have been acquired through use”*

Singer contends that:

*“Pera granted title in fee to three actual streets, namely Poplar, Grove, and Magnolia to the City in the same transaction wherein the City of Half Moon Bay granted Pera’s 1994 lot line adjustment.”*

This contention does not pertain to information provided to the Commission by the applicants in connection with the CDP application. It does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the streets and utility crossings on the property or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.13 CONTENTION 13**

The revocation request contends that the permit should be revoked under Section 13105(a) on the grounds that the following statement in the staff report is inaccurate:

*“development [will] not interfere with the public’s right of access to the sea”*

Singer contends that:

*“There is unbroken and continuous historical access to the Ocean across the subject parcel that would be significantly impacted upon as result of build out.”*

This contention does not pertain to information provided to the Commission by the applicants in connection with the CDP application. It does not demonstrate that the applicants intentionally provided inaccurate, erroneous or incomplete information concerning the access across the property or that accurate or complete information would have caused the Commission to require additional or different conditions on the permit or deny the application. The revocation request provides no specific evidence in support of the allegations that build out of the parcels would interfere with the public’s right of access to the sea. The CDP approved lot line adjustments of existing parcels, neither creating new parcels, nor approving development of the parcels. Therefore, the Commission finds that the contention does not establish any part of the grounds for revocation of the permit under Section 13105(a).

### **2.2.14 CONTENTION 14**

The final contention contained in the revocation request states that the boundaries of the subject parcels are based on an inaccurate survey. This contention is based on the findings of two surveys recently conducted on the behalf of Mr. Singer and Jim Grady, another neighboring property owner. These surveys were conducted after the

Commission approved the lot line adjustments. In a February 25, 2000 telephone conversation with Chris Kern of the Commission's staff, Mr. Singer's representative, Herman Kalfen, attorney with the Garrison Law Corporation, stated *"We were not aware of any survey error until recently."*

The permit application file contains (1) City-approved certificates of compliance for each lot, (2) legal descriptions for each lot, and (3) preliminary title reports for each lot. The revocation does demonstrate that the validity of the subject parcels was in question at the time of the Commission's action on the permit. Therefore, Contention 14 does not establish that the applicants intentionally provided inaccurate, erroneous, or incomplete information concerning the legal boundaries of the subject parcels at the time of the permit application.

The revocation request does not establish that accurate or complete information concerning the surveyed property boundaries would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the Commission finds that the contention does not establish any part of the any part of the grounds for revocation of the permit under Section 13105(a).

### **2.3 CONCLUSION**

The Commission denies the revocation request for Coastal Development Permit 1-94-005 because the grounds identified in Section 13105(a) and 13105(b) do not exist.

## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS**

Coastal Development Permit File 1-94-005

Environmental Collaborative May 1999, *Biological Resources Assessment for the Labuda Property on Miramontes Avenue*, Environmental Collaborative May 11, 1999.

Environmental Collaborative August 1999, *Biological Resources Assessment for the Pera Property Old Ocean Shore Railway Right-of-Way*, Environmental Collaborative August 13, 1999.

LSA 1999, *Review of Pera and Labuda Property Assessments*, LSA Associates, Inc., October 18, 1999.

MAY 1999, *Biological Resources Occurring on Undeveloped Land West of Railroad Avenue, Half Moon Bay, San Mateo County*, MAY Consulting Services, October 1999.